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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,673	05/12/2006	Pierre Fagard	4590-402	7671

33308 7590 05/28/2009

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EXAMINER	
CHOW, YUK	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
05/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/535,673	FAGARD, PIERRE	
	Examiner	Art Unit	
	YUK CHOW	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caldwell et al. (US Patent 5,572,205) in view of Troxell et al (US 2004/0080486 A1).

As to claim 1, Caldwell discloses a display device, the surface of the device being rendered touch-sensitive, the device comprising:

a first dedicated part having two insulating plates (Fig. 2(12,24)),

a layer of material exhibiting electro-optical properties (Fig. 2(23)) suitable for rendering all or part of its surface visible under the effect of an electrical control signal (see Col. 4 lines 15-30), the layer being disposed between the two plates (see Fig. 2),

at least one first electrode (Fig. 2(20)) having the shape of a pictogram (see Fig. 1(14)), the at least one first electrode being disposed on a face of one of the insulating plates (Fig. 2),

a second electrode (Fig. 2(16a)) disposed on a face of the other insulating plate (Fig. 2(24)) opposite at the least one first electrode (Fig. 2(16b)),

wherein an electrical control signal (see Fig. 4(32) is applied between first and second electrodes.

wherein the second electrode is used as responsive element of the touch-sensitive surface of the device (see Abstract).

However, Caldwell does not teach that the surface area of the second electrode is greater than or equal to the surface area or the sum of the surface areas of the first electrode, and the surface area of second electrode is at least 9 mm^2.

Troxell discloses a transparent overlay input device, wherein teaches the surface are of a second electrode (Fig. 4(414)) is greater than the sum of the surface area of first electrode (Fig. 4(408A)) and a typical electrode may be approximate the size of fingertip, 1.3 cm^2 [0036].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to design the variations in electrode pair geometries, in order to achieve variations in sensing sensitivity (see Troxell [0037]), and to design electrode size to be at lease 9 mm^2 for a touch sensitive application due to practical reason as suggested as well by Troxell in [0036].

As to claim 2, Caldwell and Troxell disclose a device as claimed in claim 1, wherein the first electrode is fed electrically by a pad in that the second electrode is profiled opposite the pad (See Troxell Fig. 6, all electrode are electrically connected by pads).

As to claim 3, Caldwell and Troxell disclose a device as claimed in 1, wherein it comprises several second electrodes, and in that each second electrode is fed separately (see Troxell Fig. 6 all second electrodes are fed separately).

As to claim 4, Caldwell and Troxell disclose a device as claimed in claim 1, wherein the pattern of the second electrode covers substantially a circle of at least 9 mm in diameter (see Troxell Fig. 1(106) also see [0036]).

As to claim 5, Caldwell and Troxell disclose a device as claimed in claim 1, wherein it comprises a second non-dedicated part (see Troxell Fig. 5(502-512), see [0032]).

As to claim 6, Caldwell and Troxell disclose a device as claimed in claim 5, wherein the second non-dedicated part is arranged in the form of a matrix with row-wise and column-wise addressing (see Troxell Fig. 5 (502-512) forms 2x3 matrix).

As to claim 7, Caldwell and Troxell disclose a device as claimed in claim 2, wherein it comprises several second electrodes, and in that each second electrode is fed separately (see Troxell Fig. 6).

As to claim 8, Caldwell and Troxell disclose a device as claimed in claim 2, wherein the pattern of the second electrode covers substantially a circle of at least 9 mm in diameter (see Troxell [0036]).

As to claim 9, Caldwell and Troxell disclose a device as claimed in claim 3, wherein the pattern of the second electrode covers substantially a circle of at least 9 mm in diameter (see Troxell [0036]).

As to claim 10, Caldwell and Troxell disclose a device as claimed in claim 2, wherein it comprises a second non-dedicated part (see Troxell Fig. 5(502-512), see [0032]).

As to claim 11, Caldwell and Troxell disclose a device as claimed in claim 3, wherein it comprises a second non-dedicated part (see Troxell Fig. 5(502-512), see [0032]).

As to claim 12, Caldwell and Troxell disclose a device as claimed in claim 4, wherein it comprises a second non-dedicated part (see Troxell Fig. 5(502-512), see [0032]).

As to claim 13, Caldwell and Troxell disclose a device as claimed in claim 1, wherein the electrical control signal comprises a first electrical signal and which further comprises a second electrical signal which is applied to one of first and second electrodes and which is configured to enable proximity detection of a digit by capacitive effect (see Troxell [0008]).

As to claim 14, Caldwell and Troxell disclose a device as claimed in claim 13, wherein the first signal is low frequency signal (Caldwell Fig. 4(40)) and the second signal is a high frequency signal (see Caldwell Fig. 4(34)).

As to claim 15, Caldwell and Troxell disclose a device as claimed in claim 13, wherein the first signal is low frequency signal of about 100 Hz and the second signal is a high frequency signal of about 2MHz (low frequency and high frequency could have been a design choice).

As to claim 16, Caldwell and Troxell disclose a device as claimed in claim 13, wherein application of a high frequency second electrical control signal, onto the second electrode 7, enables detection of the digit by analyzing a change in the high frequency

signal in the second due to an existence of a capacitance created between the digit and the second electrode (See Caldwell Col. 5 line 9 – Col 6 line 3 and Fig. 4).

As to claim 17, Caldwell and Troxell disclose a device as claimed in claim 16, wherein the digit comprises a finger (see Troxell's Abstract).

Response to Arguments

Applicant's arguments filed 02/03/2009 have been fully considered but they are not persuasive.

Regarding claim 1, applicant argues that Caldwell does not disclose a display device which uses a layer of material exhibiting **electro-optical properties** able to transmit/block luminous radiations under the effect of electrical control signal. However, examiner respectfully disagrees, since claim 1 does not indicate the specific of the electro-optical properties, therefore Caldwell's disclosure Fig. 2(23), an optical correction material which eliminating distortions and enhances the optical illumination (see Caldwell Col 4 lines 15-54), is sufficient for teaching this limitation.

Applicant further argues that claimed subject matter is such that a corresponding electrode (the claimed second electrode) is used for both display and touch sensitive functions. However, this limitation is not being claimed in the claims. In fact, first electrode is used for display function and second electrode is used for touch sensitive function according to claim 1. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUK CHOW whose telephone number is (571)270-1544. The examiner can normally be reached on 8-6 M-TH E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. C./
Examiner, Art Unit 2629

/Abbas I Abdulselam/
Primary Examiner, Art Unit 2629